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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/043,676	01/09/2002	James G. Vagin III	47074/LTR/W325	2538
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WANG & PATEL, P.C. 1301 DOVE STREET, SUITE 1050 NEWPORT BEACH, CA 92660			SNAPP, SANDRA S	
			ART UNIT	PAPER NUMBER

3624

DATE MAILED: 10/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/043,676

Applicant(s)

VAGIM ET AL.

Examiner

Sandra Snapp

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

The Examiner acknowledges the Applicant's claim to provisional application 60/312,923, filed 08/15/2001.

Drawings

The drawings are objected to because they contain black surface shading and some of the lettering in the drawings is illegible. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 3, 7, 27, 28, 31, 32 and 37 are objected to because of the following informalities:

In claim 3, if the phrase “blue book” is a Trademark, it should be capitalized. Also, the acronym “FR Gross” should be defined in its first use;

In claim 7, the list is separated by a semi-colon after a) and then just a comma after b), shouldn't they both be the same?

In claim 27, the term “wholesale” is capitalized, but is not part of the Kelley Blue Book name, so it shouldn't be. Also, the other terms (i.e. Trade Value, Class) should not be capitalized. And the term NADA should be defined its first use;

In claim 28, the phrase “for a certain sets” is grammatically incorrect, “a” being in the singular and “sets” being in the plural;

In claims 31, 32 and 37 the various capitalized words should not be unless they are proper names or trademarks. Appropriate correction is required.

Claim Rejections - 35 USC § 101

Claims 24-30 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims 24-30 are directed to non-statutory subject matter because the code is not ‘computer executable.’ The Patent Office has taken the position that data must satisfy a two-prong test: 1) the code be embodied or saved in a computer readable medium, and 2) that it be computer executable. Claims 24-30 fail to satisfy the second prong of the test.

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 2, 4, 5, 12-15, 17-23, 31-38 and 45 are rejected under 35 U.S.C. 102(e) as being anticipated by the Lebda et al. patent (US 6,385,594 B1).

The Lebda patent discloses a method for structuring a deal by a dealer, using a network based system including a server system coupled to a centralized database and at least one client system, the method comprising:

Receiving a loan application from a buyer regarding the deal and running a credit report based on the loan application (col. 3, lines 1-24),

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Analyzing the credit report to evaluate the buyer's creditworthiness in relationship to the deal (col. 3, lines 1-24), and

Structuring the deal by the server system based on the buyer's creditworthiness and pre-determined credit criteria (col. 3, lines 1-24) (Claim 1);

Receiving at least one of a social security number of the buyer, a date of birth of the buyer, a driver's license number of the buyer, an expiration date of the buyer's driver's license number, a name of the nearest relative of the buyer, a name of the current landlord of the buyer, gross monthly income of the buyer, other monthly debts of the buyer, residence stability information since age eighteen, and a number of years on the present job (col. 4, lines 27-31) (Claim 2);

Scoring the credit report (col. 3, lines 1-24) (Claim 4);

Scoring at least one of a number of years of established credit, a number of good credit items, a dollar amount related to a highest credit ever granted to the buyer by an institution, a number of derog credit items, a highest dollar amount ever established as a derog credit, a number of repossessions, a number of previous bankruptcies, a residence stability index, a number of years on the present job, gross monthly income, rent and mortgage amount per month, and other monthly debt (col. 1, lines 35-45) (Claim 5); and

The client system and the server system are connected via a network and wherein the network is one of a wide area network, a local area network, an intranet and the Internet (col. 1, lines 58-67) (Claim 12).

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The Lebda patent discloses a system for managing dealer transactions in compliance with federal and state regulations, the system comprising:

A client system comprising a browser (Fig. 2, and col. 3, line 38 through col. 4, line 7),

A data storage for storing information (Fig. 2 and col. 3, line 38 through col. 4, line 7),

At least one server system configured to be coupled via a network to the client system and the data storage device (Fig. 2 and col. 3, line 38 through col. 4, line 7), the server system further configured to:

Provide an access to a dealer after the dealer has been authenticated (col. 3, line 38 through col. 4, line 7),

Run a credit report on a buyer based on the buyer's loan application (col. 4, lines 33-41),

Receive additional information from the dealer about the deal after the buyer information has been automatically transferred to a deal structure user interface (col. 3, line 38 through col. 4, line 7), and

Approve the deal based on pre-determined credit criteria, and if the deal cannot be approved, provide guidance to the dealer utilizing a cartoon character based on the pre-determined credit criteria to adjust the deal structure parameters (col. 5, line 59 through col. 6, line 5) (Claim 13);

The client system is further configured with:

A displaying component for displaying a variety of options to a user (col. 1, lines 58-67), and

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A sending component to send an inquiry to the server system so that the server system can process and download the requested information to the client system (col. 1, lines 58-67) (Claim 14);

The sending component functions in response to a click of a mouse button (col. 4, lines 16-19) (Claim 15);

The client system is further configured to be protected from access by unauthorized individuals (col. 2, lines 18-24) (Claim 17); and

The server system is configured to send automatic e-mail notifications to parties involved (col. 2, lines 18-24) (Claim 18).

The Lebda reference discloses a computer to facilitate online processing and approval of deals, the computer coupled to a centralized database and programmed to:

Receive deal information in the centralized database (col. 3, lines 1-24),

Store the deal information into various subsections of the centralized database and cross reference the deal information against a dealer identification for easy retrieval and update (col. 3, lines 26-37),

Evaluate the deal based on pre-determined credit criteria (col. 3, lines 1-24),

Provide guidance to the dealer to adjust the deal based on pre-determined underwriting criteria and approve the deal after the dealer has made changes based on the provided guidance (col. 5, line 60 through col. 6, line 5, and

generate management reports to track the deal status (col. 3, lines 21-25) (Claim 19);

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Provide a notification to users via electronic mail regarding final decision (col. 2, lines 18-24) (Claim 20);

Provide flexibility to an administrator to make changes to the centralized database by at least one of adding, modifying and deleting the deal information (col. 6, lines 17-20) (Claim 21);

The deal information comprises at least one of:

- a) a number of years of established credit,
- b) a number of good credit items,
- c) a dollar amount related to a highest credit ever granted to the buyer by an institution,
- d) a number of derog credit items,
- e) a highest dollar amount ever established as a derog credit,
- f) a number of repossessions or auto leases,
- g) a number of previous bankruptcies,
- h) a residence stability index,
- i) a number of years on a present job,
- j) gross monthly income,
- k) rent and mortgage amount per month,
- l) other monthly debts,
- m) a response to a question whether the buyer has at least one of a phone bill, a utility bill and a checking account, in the buyer's name,
- n) a response to a question whether the buyer's spouse has cosigned the loan application,

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o) a response to a question whether there is another cosigner in addition to the buyer's spouse,

p) a model year of the vehicle,

q) blue book value of the vehicle,

r) current mileage on the vehicle,

s) a class of the vehicle,

t) a cost of the vehicle,

u) FR Gross, and

v) a warranty cost on the vehicle (col. 1, liens 34-45 and col. 4, liens 27-32)

(Claim 22); and

programmed to download at least one of a home page user interface, credit report user interface, a customer information user interface, deal calculation user interface and a deal structure user interface (col. 2, lines 18-24 and col. 4, lines 32-41) (Claim 23).

The Lebda patent discloses a database to manage dealer transactions and facilitate deal structuring for dealers, the database comprising:

Data corresponding to at least one of Dealer Information, Vehicle Information, Dealer Transactions, Buyers Information, and Credit Guidelines; wherein the data corresponding to at least one of Dealers Information and Dealer Transactions is cross referenced to data corresponding to Buyer Information (col. 4, lines 8-41) (Claim 31);

The data corresponding to at least one of dealers across the United States, Various vehicle information, Class codes, Class types indicating at least one of Domestic and Imported

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type, Blue book values, Buyer's contact information, Credit report information pertaining to each buyer, and Various credit guidelines (col. 4, lines 8-41) (Claim 32);

Data corresponding to dealers preferences for products and services (col. 4, lines 42-64) (Claim 33);

Data corresponding to dealers performance metrics (col. 4, lines 42-64) (Claim 34);

Data corresponding to buyers preferences for products and services (col. 4, lines 20-31) (Claim 35);

Data corresponding to negative history of at least one of dealers and buyers (col. 4, lines 20-31, inherent in a credit report) (Claim 36); and

Data corresponding to at least one of Dealer Information, Vehicle Information, Dealer Transactions, Buyers Information, and Credit Guidelines is further divided into several individual sub-sections to store data in various different categories (col. 4, lines 8-41) (Claim 37).

The Lebda patent discloses a method for structuring a deal by a dealer for a buyer, using a network based system including a server system coupled to a centralized database and at least one client system, the method comprising:

Accepting deal data from the client system and running a credit report based on the deal data (col. 3, lines 1-24),

Determining the buyer's credit worthiness by scoring the credit report based on pre-determined credit guidelines stored on the server system (col. 4, lines 33-41),

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Providing the response to the client system based on at least one of deal data and the buyer's credit worthiness (col. 6, lines 1-5), and

Structuring the deal based on the deal data (col. 3, lines 1-24) (Claim 38); and

The client system and the server system are connected via a network and wherein the network is one of a wide area network, a local area network, an intranet and the Internet (col. 1, lines 58-77) (Claim 45).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6-9, 11, 16, 24 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lebda et al. patent (US 6,385,594 B1).

The Lebda patent discloses all the elements, as stated above, except for:

Determining whether the buyer has at least one of a telephone bill, a utility bill and a checking account, in the buyer's name (Claim 6);

Downloading at least one of a number of years of established credit, a number of good credit items, a dollar amount related to the highest credit ever granted to the buyer by an institution, a number of derog credit items, a highest dollar amount ever established as a derog credit, a number of repossessions, a number of previous bankruptcies, a residence stability index,

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a number of years on the present job, gross monthly income, rent and mortgage amount per month, and other monthly debt,

Downloading a response to at least one of a question a) whether the buyer has at least one of a phone bill, a utility bill and a checking account, in the buyer's name, b) whether the buyer's spouse has cosigned the loan application, c) whether there is another cosigner in addition to the buyer's spouse (Claim 7);

Accessing the centralized database,

Searching the central database to obtain the buyer's information based on the buyer's loan application and the credit report,

Retrieving information from the centralized database, and

Transmitting the retrieved information to the client system for display by the client system (Claim 8);

Adjusting the deal based on at least one of a down payment, a price of the deal, a term of the deal, other related costs, an amount financed, a class, and a dealer discount (Claim 9);

Reviewing the loan application and credit report of the buyer,

Auditing underlying documents in compliance with local, state, and federal guidelines for funding the deal,

Issuing a check to the dealer pursuant to legal agreements to fund the deal (Claim 11);

The sending component functions in response to a voice command (Claim 16);
a code segment that:

Receives a deal from the dealer,

Evaluates the deal based on the pre-defined risk guidelines, and

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Provides a decision to the dealer of at least one of approving and rejecting the deal after the underlying documents are audited to ensure compliance with state and federal regulations (Claim 24); and

A code segment that monitors the security by restricting access to unauthorized individuals (Claim 30).

The Examiner takes Official Notice that the following are obvious for the reasons states therewith:

Determining whether the buyer has at least one of a telephone bill, a utility bill and a checking account, in the buyer's name (It is common knowledge this type of information is required when applying for a loan, especially a checking account, which is part of the credit check) (Claim 6);

Downloading at least one of a number of years of established credit, a number of good credit items, a dollar amount related to the highest credit ever granted to the buyer by an institution, a number of derog credit items, a highest dollar amount ever established as a derog credit, a number of repossessions, a number of previous bankruptcies, a residence stability index, a number of years on the present job, gross monthly income, rent and mortgage amount per month, and other monthly debt (It is common knowledge that established credit is checked when applying for a loan, to determine a past payment history for the applicant),

Downloading a response to at least one of a question a) whether the buyer has at least one of a phone bill, a utility bill and a checking account, in the buyer's name, b) whether the buyer's spouse has cosigned the loan application, c) whether there is another cosigner in addition to the

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buyer's spouse (It is common knowledge this type of information is required when applying for a loan, especially a checking account, which is part of the credit check, also information about a cosigner or spouse is commonly requested when applying for a loan, so as to find out information about the cosigner or spouse if they too are going to be responsible for the repayment of the loan) (Claim 7);

Accessing the centralized database (Lebda, col. 3, lines 1-24),

Searching the central database to obtain the buyer's information based on the buyer's loan application and the credit report (Lebda, col. 3, lines 1-24),

Retrieving information from the centralized database (Lebda, col. 3, lines 1-24), and

Transmitting the retrieved information to the client system for display by the client system (Lebda, col. 3, lines 1-24) (Claim 8);

Adjusting the deal based on at least one of a down payment, a price of the deal, a term of the deal, other related costs, an amount financed, a class, and a dealer discount (Lebda, col. 6, lines 17-20) (Claim 9);

Reviewing the loan application and credit report of the buyer (Lebda, col. 3, lines 1-24),

Auditing underlying documents in compliance with local, state, and federal guidelines for funding the deal (it is well known in the art of buying automobiles that federal, state and local guidelines must be complied with),

Issuing a check to the dealer pursuant to legal agreements to fund the deal (it is well known in the art that when a loan has been approved, a check is issued for the loan amount) (Claim 11);

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The sending component functions in response to a voice command (it is well known in the art that in computerized systems, it is possible to have voice activated systems to accommodate handicap users) (Claim 16);
a code segment that:

Receives a deal from the dealer (Lebda, col. 3, lines 1-24),

Evaluates the deal based on the pre-defined risk guidelines (Lebda, col. 3, lines 1-24),

and

Provides a decision to the dealer of at least one of approving and rejecting the deal after the underlying documents are audited to ensure compliance with state and federal regulations (Lebda, col. 6, lines 1-5) (Claim 24); and

A code segment that monitors the security by restricting access to unauthorized individuals (Lebda, col. 2, lines 18-24) (Claim 30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Lebda system with the teachings that are obvious and which the Examiner takes Official Notice thereof, so as to provide a system that is compliant, easily accessible, and all necessary information about the users is current and complete.

Claims 3, 10, 25-29 and 39-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Lebda patent (US6,385,594 B1) in view of the Gill et al. patent (US 4,736,294).

The Lebda patent discloses all the elements of the claimed invention, as stated above, except for:

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Receiving at least one of a model year of a vehicle, blue book value of the vehicle, a current mileage on the vehicle, a class of the vehicle, a cost of the vehicle, FR Gross, and a warranty cost on the vehicle (Claim 3);

Providing guidance to the dealer utilizing a cartoon character based on the pre-determined credit criteria to adjust at least one of a down payment, a price of the deal, a term of the deal, other related costs, an amount financed, a class, and a dealer discount (Claim 10);

A code segment that evaluates the deal utilizing at least one of a term, an advance, and a discount (Claim 25);

The term is determined by at least one of a year of the vehicle, mileage, and a Class combined with a Customer Factor (Claim 26);

The advance allowed is determined by at least one of a Wholesale Kelley Bluebook value, a NADA trade value, mileage, and a Class of the vehicle (Claim 27);

The discount is determined by utilizing at least one of a Payment Probability Model, a Minimum Discount Model to determine minimum discounts for a certain set of input, and an Extra Term Model (Claim 28);

A code segment that generates various management reports based on the dealer selected criteria in a pre-determined format to track dealer transactions (Claim 29);

Providing at least one of a YES/YES, a YES/NO, a NO/YES, and a NO/NO response from the server system, and

Providing guidance to the dealer utilizing a cartoon character based on the pre-determined credit criteria to adjust at least one of a down payment, a price of the deal, a term of

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the deal, other related costs, an amount financed, a class, and a dealer discount to obtain a YES/YES response to the server system (Claim 39);

The response YES/YES refers to an approval of the deal structured and an approval of amount financed by the dealer (Claim 40);

The response YES/NO refers to an approval of the deal structured and a rejection of amount financed by the dealer (Claim 41);

The response NO/YES refers to a rejection of the deal structured and an approval of amount financed by the dealer (Claim 42);

The response NO/NO refers to a rejection of the deal structured and a rejection of amount financed by the dealer (Claim 43);

Reviewing the loan application and the credit report of the buyer,

Auditing underlying documents in compliance with local, state, and federal guidelines for funding the deal, and

Issuing a check to the dealer pursuant to legal agreements to fund the deal (Claim 44).

The Gill patent teaches:

Receiving at least one of a model year of a vehicle, blue book value of the vehicle, a current mileage on the vehicle, a class of the vehicle, a cost of the vehicle, FR Gross, and a warranty cost on the vehicle (Gill, col. 4, lines 25-31) (Claim 3);

Providing guidance to the dealer utilizing a cartoon character based on the pre-determined credit criteria to adjust at least one of a down payment, a price of the deal, a term of the deal, other related costs, an amount financed, a class, and a dealer discount (Gill, col. 4, lines

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10-18, cartoon character is same as icon, known in computer arts, that Icons are used to illustrate and guide users through the system) (Claim 10);

A code segment that evaluates the deal utilizing at least one of a term, an advance, and a discount (Gill, col. 2, liens 27-33 and col. 4, lines 25-31) (Claim 25);

The term is determined by at least one of a year of the vehicle, mileage, and a Class combined with a Customer Factor (Gill, col. 2, liens 27-33 and col. 4, lines 25-31) (Claim 26);

The advance allowed is determined by at least one of a Wholesale Kelley Bluebook value, a NADA trade value, mileage, and a Class of the vehicle (Gill, col. 2, lines 27-33 and col. 4, liens 25-31) (Claim 27);

The discount is determined by utilizing at least one of a Payment Probability Model, a Minimum Discount Model to determine minimum discounts for a certain set of input, and an Extra Term Model (Gill, col. 2, lines 27-51) (Claim 28);

A code segment that generates various management reports based on the dealer selected criteria in a pre-determined format to track dealer transactions (Gill, col. 5, lines 3-14) (Claim 29);

Providing at least one of a YES/YES, a YES/NO, a NO/YES, and a NO/NO response from the server system (Gill, col. 2, lines 27-51 - cartoon character is same as icon, known in computer arts, that Icons are used to illustrate and guide users through the system), and

Providing guidance to the dealer utilizing a cartoon character based on the pre-determined credit criteria to adjust at least one of a down payment, a price of the deal, a term of the deal, other related costs, an amount financed, a class, and a dealer discount to obtain a

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YES/YES response to the server system (Lebda, col. 6, lines 17-20 and Gill, col. 2, lines 27-51) (Claim 39);

The response YES/YES refers to an approval of the deal structured and an approval of amount financed by the dealer (Lebda, col. 6, lines 1-5) (Claim 40);

The response YES/NO refers to an approval of the deal structured and a rejection of amount financed by the dealer (Lebda, col. 5, lines 35-67) (Claim 41);

The response NO/YES refers to a rejection of the deal structured and an approval of amount financed by the dealer (Lebda, col. 5, lines 35-67) (Claim 42);

The response NO/NO refers to a rejection of the deal structured and a rejection of amount financed by the dealer (Lebda, col. 5, lines 35-67) (Claim 43);

Reviewing the loan application and the credit report of the buyer (Lebda, col. 3, lines 1-24 and col. 4, lines 33-41),

Auditing underlying documents in compliance with local, state, and federal guidelines for funding the deal (Examiner takes Official Notice that it is well known in the art of buying automobiles that federal, state and local guidelines must be complied with), and

Issuing a check to the dealer pursuant to legal agreements to fund the deal (Examiner takes Official Notice that it is well known in the art that when a loan has been approved, a check is issued for the loan amount) (Claim 44).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the Lebda patent with the teachings of the Gill patent so as to customize the Lebda patent to specifically work in the automotive industry.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Baker, Sweeney, Dhar, Jones, Brown, Walker, Johnson, Walker, Galperin, Norris, Srinivasan, Cychosz, Lebda, Freeman, Hillestad, Lazerson, Munoz, Lancaster, Greenwood, Ericksen, Brody, Kunzle, Danahar, Crawford and Talbot patents and applications are all directed to various types of electronic financial systems, including those that are directed to credit scores.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Snapp whose telephone number is 703-305-6940. The examiner can normally be reached on Mon.-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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